

REMARKS

Applicant would like to thank the Examiner for the detailed remarks. Claims 27, 31, and 41 have been amended. Claim 42 has been cancelled. Claims 27-41 and 43-46 are pending in the application.

The Examiner maintains the rejection of claims 27-33, 38-42, and 44-46 under §112, first paragraph on the grounds of enablement. In response to Applicant's prior argument, the Examiner points to MPEP 806.05(J) as reason for maintaining the rejection. However, the cited MPEP section is for restrictions, which is not the case here. Thus, the Examiner seems to be applying guidelines for a restriction rather than the enablement test under §112, first paragraph. The test under §112, first paragraph is whether a person of ordinary skill in the art would recognize that the written description of the invention provides support for the claims. In this case, the application (see Fig.3; page 3, paragraphs 19 and 20) describes the anti-shift collar prior to crimping, including that the polygonal portions allow the collar to be slid to a desired position over bends and formed ends of an arm segment. Therefore, one of ordinary skill in the art would recognize that the written description provides support for the claims. Furthermore, as the specification describes, the intermediate product before crimping allows the collar to be received over the arm segment, including bends in the segment and any formed ends such as forged eyes. For these reasons, the rejection should be withdrawn.

Claims 27-46 were rejected under §103(a) as being unpatentable over JP 10193944 (JP '944) in view of Sugita. Independent claims 27 and 31 each recite that the semi-circular inner perimeter portion includes "a first semi-circular surface, a second, opposed semi-circular surface" and that "each of the first semi-circular surface and the second, opposed semi-circular surface being connected on one end to said first polygonal inner perimeter portion and on an opposite end to said second polygonal inner perimeter portion such that the other said first semi-circular surface, said second, opposed semi-circular surface, said first polygonal inner perimeter portion, and said second polygonal inner perimeter portion entirely form said inner perimeter."

The proposed modification to the collar of JP '944 adds the projections of Sugita. Therefore, the projections appear to be the elements that the examiner interprets as the claimed polygonal inner perimeter portions. However, the ends of the each of the semi-circular surfaces (between the projections) in the modification would be connected to different projections rather

than an end of each semi-circular portion being connected to a first polygonal inner perimeter portion and the opposite end of each semi-circular portion being connected to a second polygonal inner perimeter portion as claimed. Therefore, the combination would not meet claims 27 and 31. For at least this reason, claims 27 and 31 are allowable.

Regarding claim 34, the rejection improperly ignores the recited steps. Claim 34 recites “(2) crimping the anti-shift collar simultaneously in four locations upon the elliptical outer perimeter.” The rejection seems to focus on the physical limitations in the other independent claims but does not consider at least step (2) of the method claim 34. JP ‘944 does not appear to disclose crimping simultaneously in four locations as claimed. The collar in Sugita appears to be of a different design (see Figure 7) that would only be crimped in two locations as the two halves of the collar are pressed together (see col. 3, lines 60-67). Therefore, claim 34 is allowable.

Claims 27-30 and 33-46 were rejected under §103(a) as being unpatentable over JP ‘437 in view of JP ‘944, and further in view of Sugita. Similar to the obviousness rejection based on JP ‘944 in view of Sugita, the Examiner relies on Sugita for modifying the base reference inner perimeter portion with the projections of Sugita. As discussed above, adding the projections from Sugita does not meet independent claims 27 and 31. Regarding claim 34, this rejection also seems to ignore at least step (2) in method claim 34 of crimping the anti-shift collar simultaneously in four locations upon the elliptical outer perimeter. The collar of JP ‘437 is crimped; however, at least the English Abstract does not disclose how the crimping is carried out. For these reasons, the claims are allowable and the rejection should be withdrawn.

Claims 31 and 32 were rejected under §103(a) as being unpatentable over JP ‘437 in view of Sugita. For the same reasons as discussed above, adding the projections of Sugita to the collar of JP ‘437 does not meet claim 31. Accordingly, claim 31 is allowable and the rejection should be withdrawn.

Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,
CARLSON, GASKEY & OLDS

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